

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant :	Zhaoxi Bu et al.	Art Unit :	2142
Serial No. :	09/842,025	Examiner :	Hai V. Nguyen
Filed :	April 26, 2001	Conf. No. :	6907
Title :	AUTOMATIC USER SESSION		

Commissioner for Patents  
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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Pursuant to United States Patent and Trademark Office OG Notices: 12 July 2005 - New Pre-Appeal Brief Conference Pilot Program, a request for a review of identified matters on appeal is hereby submitted with the Notice of Appeal. Review of these identified matters by a panel of examiners is requested because the rejections of record are clearly not proper and are without basis, in view of a clear legal or factual deficiency in the rejections. All rights to expand the identified matters and/or address additional matters on appeal in any subsequent appeal brief are hereby reserved.

Claims 1, 2, 5-22, 24-28, and 30-41 are pending, of which claims 1, 22, and 27 are independent. Claims 1, 2, 5-22, 24-28 and 30-41 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0097331 (Cohen) in view of U.S. Patent No. 6,879,965 (Fung). Applicants submit that the rejection of claims 1, 2, 5-22, 24-28, and 30-41 is based on a clear factual error. Accordingly, applicants request the panel to review the final Office Action's assertion that claims 1, 2, 5-22, 24-28, and 30-41 are unpatentable over Cohen in view of Fung.

Specifically, applicants request the panel to review (1) the final Office Action's assertion that Fung describes or suggests automatically initiating, based on a determination that one or more additional accounts maintained by the host are associated with the user, one or more additional communication sessions between the client system and the host system, as recited in independent claim 1; and (2) the final Office Action's assertion that the combination of Cohen and Fung describes or suggests the subject matter of claims 5-9.

**I. None of Cohen, Fung, or Any Proper Combination of Cohen and Fung Describes or Suggests Automatically Initiating, Based on a Determination that One or More Additional Accounts Maintained by the Host are Associated with the User, One or More Additional Communication Sessions Between the Client System and the Host System**

Independent claim 1 recites a method of accessing electronic data from a communications system. Among other features, the method includes automatically initiating, based on a determination that one or more additional accounts maintained by the host system are associated with the user, one or more additional communication sessions between the client system and the host system.

The final Office Action recognizes that Cohen fails to describe or suggest automatically initiating, based on a determination that one or more additional accounts maintained by the host system are associated with the user, one or more additional communication sessions between the client system and the host system, as recited in independent claim 1. See final Office Action of November 9, 2006 at page 4, lines 3-8. For this deficiency, the final Office Action therefore relies on Fung. See final Office Action of November 9, 2006 at page 4, lines 9-12.

Fung describes a central Web site that registers a user with one or more remote Web sites manually selected by the user and that enables the user to access the one or more remote Web sites with which the user has registered. See, e.g., Fung at Abstract. As with Cohen, Fung fails in at least two respects. First, Fung fails to describe or suggest automatically initiating one or more additional communication sessions between the client system and the host system. Second, Fung fails to initiate such sessions based on a determination that one or more additional accounts maintained by the host system are associated with the user.

Both the final Office Action and the Advisory Action argue that the following disclosure in Fung describes or suggests the acknowledged deficiencies in Cohen:

The central Web site automatically sends the user's login information to the selected Web sites and automatically connects the user to content held at the selected Web sites.

Fung at col. 5, lines 49-52; see final Office Action of November 9, 2006 at page 4, lines 9-12; Advisory Action of February 1, 2007 at Continuation Sheet, lines 8-12. However, when the quoted sentence is considered in the context of the entire passage from which it is drawn, it is clear that Fung does not describe or suggest the acknowledged deficiencies in Cohen.

In its entirety, the passage from which the quoted sentence is drawn reads:

In one embodiment, a user can select, on the user's personal Web page, one or more Web sites that the user wishes to join and then click a button to have the central Web site register the user at the selected Web sites. In another embodiment, the user can click on a link to a Web site the user wishes to join provided in the user's personal Web page and the central Web site registers the user at such Web site.

The central Web site transmits the data from the user's registration form to the Web sites that the user chooses and dynamically generates links to those Web sites in the user's personal Web page. *The central Web site automatically sends the user's login information to the selected Web sites and automatically connects the user to content held at the selected Web sites.*

Fung at col. 5, lines 38-52 (emphasis added). Read in context, it is clear that the quoted sentence describes a process by which the central Web site enables a user to select and subsequently register for one or more other Web sites that the user wishes to join. In particular, the central Web site allows a user to select one or more Web sites for which the user would like to create an account by clicking buttons or links on the central Web site. In response to the user's selection of one or more Web sites, the central Web site then performs the registration process at the selected Web sites for the user by sending the user's login information to the selected Web sites.

As such, it is clear that the central Web site does not automatically initiate one or more additional communication sessions between the client system and the host system. Rather, the central Web site performs a registration process in response to a user's manual selection of Web sites that the user wishes to join.

Furthermore, it also is clear that the central Web site does not initiate communication sessions based on a determination that one or more additional accounts maintained by the host system are associated with the user. For one, as discussed above, the central Web site performs the registration process based on the user's manual selection of the Web sites the user wishes to join. Furthermore, taken in context, it is clear that the sentence relied upon by the final Office Action and the Advisory Action contemplates that the central Web site sends information to the other Web sites for the purpose of creating accounts for the user at the other Web sites. Because

these accounts do not exist before the central Web site registers the user with the selected Web sites, they cannot be said to be maintained until after the central Web site registers the user with the selected Web sites thereby creating the accounts. That is to say, an account cannot be said to be maintained until after the account has been created. Furthermore, it is clear that after these accounts are created, they are maintained by the selected Web sites, not the central Web site.

Accordingly, for at least these reasons, the sentence relied on by both the final Office Action and the Advisory Action fails to describe or suggest automatically initiating, based on a determination that one or more additional accounts maintained by the host system are associated with the user, one or more additional communication sessions between the client system and the host system, as recited in independent claim 1. In addition, no other portion of Fung describes or suggests automatically initiating, based on a determination that one or more additional accounts maintained by the host system are associated with the user, one or more additional communication sessions between the client system and the host system, as recited in independent claim 1.

Therefore, for at least these reasons, Fung fails to remedy the acknowledged deficiencies in Cohen. Accordingly, applicants request reconsideration and withdrawal of the rejection of independent claim 1 and its dependent claims, claims 2, 5-21, 28, and 30-41. Claims 22 and 27 recite features similar to those discussed above with respect to claim 1, and do so in the context of a computer program product (claim 22) and an apparatus (claim 27). Accordingly, for the reasons discussed above with respect to claim 1, applicants request reconsideration and withdrawal of the rejection of independent claims 22 and 27, as well as claims 24-26, which depend from claim 22.

## **II. None of Cohen, Fung, or Any Proper Combination of Cohen and Fung Describes or Suggests the Subject Matter of Dependent Claims 5-9**

Claim 5, which depends from independent claim 1, recites that enabling the transfer of electronic data comprises retrieving e-mail. Claim 1 recites that transfer of electronic data is enabled in response to automatically initiating one or more communication sessions between the client system and the host system, which, in turn, is based on a determination that one or more additional accounts maintained by the host are associated with the user. Thus, claim 5, through

its dependency from claim 1, clarifies that e-mail is retrieved from each of the additional accounts based on a determination that the additional accounts are associated with the user. None of Cohen, Fung, or any proper combination of Cohen and Fung describes or suggests retrieving e-mail from each such account in this manner.

Similarly, claims 6-9 recite that enabling the transfer of electronic data comprises sending e-mail, downloading one or more files, retrieving messages posted on a message board, and posting messages to a message board. None of Cohen, Fung, or any proper combination of Cohen and Fung describes or suggests sending e-mail, downloading one or more files, retrieving messages posted on a message board, or posting messages to a message board for one or more additional accounts in this manner.

Accordingly, for at least these additional reasons, applicants request reconsideration and withdrawal of the rejection of claims 5-9.

In view of the above, all of the claims should be in condition for allowance. A formal notice of allowance is thus respectfully requested. Please apply any charges or credits to Deposit Account No. 06 1050.

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Respectfully submitted,

Date: March 9, 2007

  
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